



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/734,766

12/11/2003

Yoshio Tomoda

03748/HG

1821

1933

7590

06/21/2006

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC

220 Fifth Avenue

16TH Floor

NEW YORK, NY 10001-7708

EXAMINER

TRAN LIEN, THUY

ART UNIT

PAPER NUMBER

1761

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/734,766

Applicant(s)

TOMODA ET AL.

Examiner

Lien T. Tran

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-13,15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,15, 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 1761

The finality of the office action mailed 3/7/06 is hereby withdrawn because applicant's argument with respect to the restriction requirement between the originally presented claims and the amended claims submitted on 12/20/05 is found to be persuasive. However, this action will be made final because the amendment submitted on 12/20/06 necessitates the following new ground of rejections.

The status identifier of the claims need to be changed in response to this office action because the claims are pending, not withdrawn.

Claims 1,3-8, 10-12, 15, 17-18, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wu.

Wu discloses a method of preparing food cooked under heat. The method comprises the steps of preparing a dough or a batter, adding about .04-2% of acid selected from the group consisting of calcium chloride and magnesium chloride, preparing products from the batter or dough and cooking the products. The prepared products include doughnuts, pancakes, cakes, cookies, pizza biscuits, bread etc... Example 2 shows heating at a temperature of 425 degree F. The food products contains cereal flour. ( see col. 3 lines 62-63, col. 4 lines 35-38, col. 7 lines 34-36, col. 12 lines 25-27)

The property of a decreased acrylamide content is inherent in the food products of Wu because the same polyvalent metallic compound is added and the products are cooked under heat. With respect to the claim 5, the products disclosed by Wu include donut prepared from batter; thus, it is inherent that cooking by frying takes place. Wu discloses the products recited in claims 6-7. With respect to claim 15, the preamble

Art Unit: 1761

recitation of " for decreasing an acrylamide content" does not limit the claim because the body of the claim following the preamble is a self-contained description of the method and does not depend on the preamble for completeness. The compounds disclosed Wu are the same as the ones in the claims. The decrease in acrylamide content is inherent in the Wu product.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu.

Wu does not disclose preparing semi-cooked food.

It would have been obvious to prepare semi-cooked food to obtain different type of products. For example, it is notoriously well known in the art to prepared par-baked pizza crust which will be heated upon consumption.

Claims 1,4,5,8,10,11,12,13,15,17 are rejected under 35 U.S.C. 102(b) as being anticipated by Schroeder et al.

Schroeder et al disclose a method of preparing food cooked under heat. The method comprises the steps of adding calcium compound to potato slices and frying the slices. The calcium compound includes calcium chloride. Other calcium compounds that have sufficient water-solubility and are compatible with food may be employed. The slices containing calcium are fried in oil at a temperature of 150-200 degree C. ( see col. 2 lines 18-32, col. 3 lines 25-35)

The property of a decreased acrylamide content is inherent in the food product of Schroeder et al because the same polyvalent metallic compound is added and the product is cooked under heat at the same temperature range at claimed. With respect to claim 15, the preamble recitation of " for decreasing an acrylamide content" does not

limit the claim because the body of the claim following the preamble is a self-contained description of the method and does not depend on the preamble for completeness. The compound disclosed by Schroeder is the same as claimed. The decrease in acrylamide content is inherent in the Schroeder product.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder et al.

Schroeder et al do not disclose calcium oxide.

Schroeder et al disclose other calcium compounds that have sufficient water solubility and are compatible with food may be used. Thus, it would have been obvious to one skilled in the art to use calcium oxide because it is soluble in water and it is commonly used with corn which means it is compatible with food. The selection of calcium source would have been an obvious matter of choice.

Applicant's arguments with respect to claims 1,3-13,15,17-20 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 1761

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T. Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cano Milton can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 19, 2006

  
LIEN TRAN  
PRIMARY EXAMINER  
